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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,833	02/27/2004	Dewayne Turner	020569-05007	6924
22904	7590	11/28/2005		
LOCKE LIDDELL & SAPP LLP 600 TRAVIS 3400 CHASE TOWER HOUSTON, TX 77002-3095			EXAMINER GAY, JENNIFER HAWKINS	
			ART UNIT 3672	PAPER NUMBER

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/788,833	Applicant(s) TURNER ET AL.	
	Examiner Jennifer H. Gay	Art Unit 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 23-65 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,23-26,55-63 and 65 is/are allowed.
- 6) ☒ Claim(s) 27,28,30,38,39,41-43,46,49 and 64 is/are rejected.
- 7) ☒ Claim(s) 29,31-37,40,44,45,47,48 and 50-54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/24/05, 10/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Drawings

1. The drawings are again objected to because in Figures 5A-5E and 6A-6E each corresponding “figure” is actually only on figure and should be labeled as such, i.e. Figures 5AA and 6A are the same figure and should be labeled as one figure. The examiner recognizes that applicant is attempting to compare the location of the different elements of the tool for two different tool positions, i.e. open and closed as described in the Brief Description of the Drawings, however, this comparison can be shown in only one figure (see 37 § CFR 1.84). The actual figures themselves need not be changed but only labeled as a single figure and the Brief Description of the Drawings changed accordingly. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. Claims 27, 28, 30, 38, 39, 41-43, 46, 49, and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by Crowe (US 3,771,603).

Regarding claim 27: Williamson, Jr. discloses an isolation system that includes an isolation pipe **136** that includes a pressure activated valve **300, V3** for a first flow path (the flow path through the valve) and coupled to the pipe and a tool shiftable valve **176** for a second flow path (the through bore of the assembly) coupled to the pipe and in communication with the pressure activated valve (3:35-47).

Regarding claim 28: The tool shiftable valve is a sliding sleeve that is shiftable between an open and closed position.

Regarding claim 30: The isolation pipe defines a port (either the inlet or outlet of the pipe) through which fluid is allowed to flow when the tool shiftable valve is open.

Regarding claims 38, 46, 64: Williamson, Jr. discloses a method for using the above system that involves inserting the tool into a wellbore, shifting the tool shiftable valve, stinging a string into the isolation string, and then opening the pressure activated valve by pressurized fluid acting on the valve (Abstract, 15:40-42, 16:31-17:20).

Regarding claim 39: The pressure activated valve is opened while the tool shiftable valve is in the wellbore.

Regarding claim 41: The pipe includes an isolation string.

Regarding claim 42: Production fluid is allowed to flow through both valves.

Regarding claim 43: The tool shiftable valve is shifted using a shifting tool.

Regarding claim 49: The shifting tool is removed from the wellbore after shifting the tool shiftable valve.

Allowable Subject Matter

4. Claims 1, 2, 23-26, 55-63, and 65 are allowed.
5. Claims 29, 31-37, 40, 44, 45, 47, and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant has traversed the above drawing objection based on Figures 5 and 6 depicting different structures.

It is first noted that the Brief Description of the Drawings specifically indicates that Figures 5 and 6 show the same valve only Figure 5 shows the valve in the open position and Figure 6 shows the valve in the closed position. Depicting this difference is allowed in a single figure such as that shown in the figure labeled Figures 5 and 6, however, this figure **must** only be given one label as a figure can only have a single label (see 37 § CFR 1.84(u)). If applicant wishes the open and closed positions to remain separate figures then the figures must be amended to remove the centerline and place space between the two figures. The current depiction is considered to be only one figure.

Secondly, if applicant considers Figures 5 and 6 to be structurally different then they need to be depicted as two separate figures. This can be done as indicated above.

The examiner notes that this objection has been repeated for the third time in as many Office Actions. A response to this Office Action that fails to make the appropriate corrections to Figures 5 and 6 will be held Deliberately Non-Responsive as failing to properly respond to drawing objections.

7. Applicant's arguments with respect to claims 27, 28, 30, 38, 39, 41-43, 46, 49, and 64 have been considered but are moot in view of the new ground(s) of rejection.

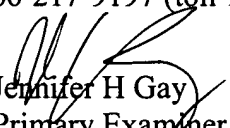
Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jennifer H Gay
Primary Examiner
Art Unit 3672

JHG 
November 17, 2005